



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
**NORTHEAST REGION**  
One Blackburn Drive  
Gloucester, MA 01930-2298

Guidance on Applying for Exempted Fishing Permits,  
Letters of Acknowledgement, and Scientific Research Permits

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The following guidance is provided to assist researchers, particularly those involved in cooperative research, with understanding whether an exempted fishing permit (EFP), scientific research permit (SRP), or letter of acknowledgement (LOA) is an appropriate document to obtain prior to beginning a project. Following an explanation of terms, a set of “Yes/No” questions is provided to assist the researcher in deciding which document may be most appropriate. Lastly, specific directions for requesting each type of document are provided. Please note that the final decision on whether an EFP, SRP, or LOA is most appropriate rests solely with the Regional Administrator, as does the final decision on whether to issue said document, particularly if said document would authorize exemptions from fishing regulations.

Applications for EFPs and SRPs require substantial review by NOAA Fisheries Service, while requests for LOAs undergo a more limited review. Using the questions provided in this document will help the researcher identify the specific information necessary to obtain the appropriate documentation and will help NOAA Fisheries Service more promptly process the applications and requests. The information provided in this document is not intended to be used to determine whether particular exemptions that may be requested would be approved. Please refer to these attached guidelines (Attachment A) for specific information regarding the types of exemptions that may or may not be approved.

Important Terms and Information:

*Exempted Fishing Permit.* An EFP is a permit issued by the Northeast Regional Office that authorizes a fishing vessel of the United States to conduct fishing activities that would be otherwise prohibited under the regulations at 50 CFR part 648 or part 697. Generally, EFPs are issued for activities in support of fisheries-related research, including gear conservation engineering, seafood product development and/or market research, and the collection of fish for public display. Anyone that intends to engage in an activity that does not meet the definition of scientific research but that would be otherwise prohibited under these regulations is required to obtain an EFP prior to commencing the activity. NOAA Fisheries Service is required to provide an opportunity for the public to comment on each EFP request either through a notice in the Federal Register or at a meeting of a Regional Fishery Management Council.

*Letter of Acknowledgement.* An LOA is a letter from the Northeast Regional Office that acknowledges certain activities as scientific research conducted from a scientific research vessel. Scientific research activities are activities that would meet the definition of fishing under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), but for the statutory exemption provided for scientific research. Such activities are exempt from any and all regulations promulgated under the Magnuson-Stevens Act,



provided they continue to meet the definition of scientific research activities conducted from a scientific research vessel. Although the LOA is not required for scientific research, obtaining an LOA serves as a convenience to the researcher, the vessel(s), NOAA Fisheries Service, the NOAA Office of Law Enforcement, and the U.S. Coast Guard, to establish that the activity is indeed exempt from the provisions of the Magnuson-Stevens Act. Obtaining an LOA may prevent work interruptions resulting from enforcement inquiries.

*Scientific Research Permit.* An SRP is a permit authorizing scientific research to be performed under the direction and control of NOAA employees. To qualify for an SRP, the activity must first meet the definition of a scientific research activity conducted from a scientific research vessel (as for an LOA above). Second, the activity must be under the direct control of one or more NOAA employees (i.e., one or more of the principal investigators is a NOAA employee, and that NOAA employee will direct the at-sea activities). SRPs are appropriate only when the NOAA employee is a principal investigator on the project; SRPs would not be appropriate for projects for which the extent of the NOAA employee's involvement is limited to control and/or oversight of a grant or contract.

NOAA Fisheries Service Northeast Region  
EFP/LOA/SRP Questions

1. Will fishing gear be deployed or utilized in any way in your project? Yes ☐ No ☐

- If “No,” then the activity is not considered fishing, and an EFP is not required. An LOA may be appropriate. GO TO “LOA REQUEST” SECTION ON PAGE 5.
- If “Yes,” an EFP may be required. CONTINUE TO NEXT QUESTION.

2. Will fish be collected (i.e., brought on board the vessel) in your project? Yes ☐ No ☐

- If “No,” then an EFP is not required. An LOA or an SRP may be appropriate. SKIP TO QUESTION 9.
- If “Yes,” an EFP may be required. CONTINUE TO NEXT QUESTION.

3. Will your project test, or in any way use, new, experimental, or novel fishing gear that does not meet the requirements of the current regulations (e.g., for comparison with traditional fishing gear)? Yes ☐ No ☐

- If “Yes,” then an EFP is required. GO TO “EFP APPLICATION” SECTION ON PAGE 6.
- If “No,” then an EFP may not be required. CONTINUE TO NEXT QUESTION.

4. Is the purpose of your project to collect fish for public display, or in any way related to product development and/or market development research? Yes ☐ No ☐

- If “Yes,” then an EFP is required. GO TO “EFP APPLICATION” SECTION ON PAGE 6.
- If “No,” then an EFP may not be required. CONTINUE TO NEXT QUESTION.

5. Will any fish collected in the course of your project be retained on the vessel(s)? Yes ☐ No ☐ For purposes of this question, fish that are tagged and released, that are measured and weighed and then returned to the sea alive, or that are simply sorted and returned to the sea as quickly as possible, are not considered to be retained. Retained fish are those that are either killed and discarded, kept on board the vessel(s) for scientific purposes but not returned to the sea, or landed for sale.

- If “No,” then an EFP may not be required. SKIP TO QUESTION 9.
- If “Yes,” then an EFP may be required. CONTINUE TO NEXT QUESTION.

6. Will all fish retained on the vessel(s) be utilized solely for scientific purposes (i.e., no fish would be landed for sale or otherwise killed for non-scientific purposes)? Yes ☐ No ☐

- If “Yes,” then an EFP may not be required. SKIP TO QUESTION 9.
- If “No,” then an EFP may be required. CONTINUE TO NEXT QUESTION.

7. Will all fish, or parts of fish, that are landed for sale be fish that were first used for scientific purposes (e.g., fish whose otoliths were removed)? Yes ☐ No ☐

- If “Yes,” then an EFP may not be required. SKIP TO QUESTION 9.
- If “No,” then an EFP may be required. CONTINUE TO NEXT QUESTION.

8. Will the successful completion of your project require any of the following?

- Access to an area otherwise closed to fishing activities or fishing gear similar to that of your project? Yes ☐ No ☐
- Use of fishing gear not expressly allowed under current fishing regulations? Yes ☐ No ☐
- Use of mesh size or fishing gear configuration(s) not expressly allowed under current fishing regulations? Yes ☐ No ☐
- Use of an amount of fishing gear in excess of current fishing regulations? Yes ☐ No ☐
- Collection of fish in excess of current trip/possession limits? Yes ☐ No ☐
- Collection of fish during a time in which possession is prohibited? Yes ☐ No ☐
- Collection of undersized, or otherwise prohibited (e.g., berried female lobsters), fish? Yes ☐ No ☐
- Relief from current fishing effort control programs (e.g., days-at-sea)? Yes ☐ No ☐

- If the answer to one or more of the above items is “Yes,” then an EFP is required. GO TO “EFP APPLICATION” SECTION ON PAGE 6.
- If the answer to all of the above items is “No,” then an EFP is not required. However, an LOA is not appropriate, given the nature of the fishing-related aspects of the activity. Thus, your project may proceed as if it were normal fishing operations, subject to all current fishing regulations. STOP.

9. For the purposes of this project, can the vessel(s) from which this project will be conducted be considered a “scientific research vessel(s)” (i.e., is the vessel(s) owned or chartered by, and under the control of, a Federal or state government agency, a university or other accredited educational institution, or a scientific institution—this can include fishing vessels serving as research vessels for the purposes of the activity in question)? Yes ☐ No ☐

- If “No,” then an EFP is required. GO TO “EFP APPLICATION” SECTION ON PAGE 6.
- If “Yes,” then an EFP is not required. An LOA or an SRP may be appropriate. CONTINUE TO NEXT QUESTION.

10. Is your project under the direct control of a NOAA employee (i.e., one or more of the principal investigators is a NOAA employee, and that NOAA employee will direct the at-sea activities)? Yes ☐ No ☐

- If “Yes,” then an LOA is not appropriate and an SRP is required. GO TO “SRP APPLICATION” SECTION BELOW.
- If “No,” then an LOA may be appropriate. GO TO “LOA REQUEST” SECTION BELOW.

## LOA REQUEST

- To request an LOA, please send a letter, on official letterhead from the institution supporting the principal investigator(s), to the Northeast Regional Office.
- The letter should identify the activity to be conducted, include a copy of the research plan, and provide sufficient information to establish that an LOA is warranted and appropriate.
- The letter should identify an individual as a point of contact who can respond to any questions regarding the project that Northeast Regional Office staff may have during consideration of your request for an LOA.
- The letter requesting an LOA should be addressed to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.
- LOAs may take up to 30 days to be issued, once we have determined that the request is complete.
- If you would like to ensure that your request has been received, please contact the Sustainable Fisheries Division at (978) 281-9315.

## SRP APPLICATION

- To apply for an SRP, the NOAA employee identified as one of the principal investigators should send a letter to the Northeast Regional Office.
- The letter should identify the activity to be conducted, include a copy of the research plan, identify the role(s) of the NOAA employee(s) associated with the project, and provide sufficient information to establish that an SRP is warranted and appropriate.
- The letter should identify a NOAA representative as a point of contact who can respond to any questions regarding the project that Northeast Regional Office staff may have during consideration of your request for an SRP.
- Applications for an SRP may trigger review under the National Environmental Policy Act (NEPA). This review may require the preparation of additional documentation beyond the request for an SRP, including analyses of the potential environmental impacts associated with your project. Staff at the Northeast Regional Office in the Regulatory Effectiveness Group may be contacted at (978) 281-9391 for assistance with this requirement.

- e. If your project may result in any interactions with endangered or otherwise protected species (e.g., sea turtles, dolphins, whales, sea birds, etc.), your application for an SRP may trigger additional review under either the Endangered Species Act (ESA) or the Marine Mammal Protection Act (MMPA). This review may require the preparation of additional documentation beyond the request for an SRP. Staff at the Northeast Regional Office in the Protected Resources Division may be contacted at (978) 281-9505 for assistance with this requirement.
- f. The letter requesting an SRP should be addressed to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.
- g. SRPs may take up to 30 days to be issued, once we have determined that the request, including any required NEPA, ESA, and/or MMPA documentation, is complete. Submission of a complete SRP request less than 30 days before the desired effective date of the SRP may result in a delayed effective date.
- h. If you would like to ensure that your request has been received, please contact the Sustainable Fisheries Division at (978) 281-9315.

## EFP APPLICATION

- a. To apply for an EFP, please send a letter and a complete EFP application (see item c. below) to the Northeast Regional Office, along with a copy of your research plan.
- b. If your project is being funded by one or more of the cooperative research programs in the Northeast (Northeast Consortium, Cooperative Research Partners Initiative, Research Set-Aside Program), please identify the funding source on your EFP application, and provide the name of your contact with the cooperative research program.
- c. Please read the attached instructions (Attachment B) for completing an EFP application. Please also read the attached guidelines (Attachment A) on the types of regulatory exemptions that may delay or complicate your EFP application. EFP application information is also available online at <http://www.nero.noaa.gov/sfd/>. Click on the links under “Related Links and Documents.”
- d. The application should identify an individual as a point of contact who can respond to any questions regarding the project that Northeast Regional Office staff may have during consideration of your application.
- e. Applications for an EFP trigger review under the National Environmental Policy Act (NEPA). This review may require the preparation of additional documentation beyond the EFP application, including analyses of the potential environmental impacts associated with your project. Staff at the Northeast Regional Office in the Regulatory Effectiveness Group may be contacted at (978) 281-9391 for assistance with this requirement.
- f. If your project may result in any interactions with endangered or otherwise protected species (e.g., sea turtles, dolphins, whales, sea birds, etc.), your application for an EFP may trigger additional review under either the Endangered Species Act (ESA) or the Marine Mammal Protection Act (MMPA). This review may require the preparation of additional documentation beyond the EFP application. Staff at the Northeast Regional Office in the Protected Resources Division may be contacted at (978) 281-9505 for assistance with this requirement.

- g. The EFP application package should be addressed to Patricia A. Kurkul, Regional Administrator, NOAA Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.
- h. EFPs may take up to 60 days to be processed, once we have determined that the application package, including any required NEPA, ESA, and/or MMPA documentation, is complete. Submission of a complete EFP application package less than 60 days before the desired effective date of the EFP may result in a delayed effective date.
- i. If you would like to ensure that your application has been received, please contact the Sustainable Fisheries Division at (978) 281-9315.

#### Attachments

- A. Guidelines for Individuals Requesting Exempted Fishing Permits
- B. Application Instructions for Requesting Exempted Fishing Permits